

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of VIA SALES & LEASING, INC.,
as owner of a 43' Well Craft Cruiser, Serial
No. WELHOOH 1288, Registration No. 55E22159,
for Exoneration From or Limitation of Liability

Case No. 05-60240
Judge John Corbett O'Meara

In the Matter of J. MURRAY TROUP,
as owner of a 43' Well Craft Cruiser, Serial
No. WELHOOH 1288, Registration No. 55E22159,
for Exoneration From or Limitation of Liability

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**ORDER NOTING DEFAULTS AND
DIRECTING ENTRY OF FINAL JUDGMENT OF DISMISSAL
OF ALL CLAIMS BY AND AGAINST
VIA SALES & LEASING, INC. AND/OR J. MURRAY TROUP**

WHEREAS, a Complaint for Exoneration From or Limitation of Liability was filed in the United States District Court for the Eastern District of Michigan, Southern Division, on December 6, 2005, by VIA SALES & LEASING, INC. (VIA SALES), a corporation, and on December 20, 2005 by J. MURRAY TROUP (TROUP), respectively as owner(s) of a 43' Well Craft Cruiser, Serial No. WELHOOH 1288, Registration No. 55E22159 (WELL CRAFT CRUISER), praying for exoneration from or limitation of liability concerning any injury or damages resulting from an occurrence of September 11, 2005, in or near Lake St. Clair, Michigan, for reasons mentioned in the said Complaint, and praying that a Monition issue out of this Court citing all persons claiming damages by reason of the matters aforesaid to appear

before said Court and to make due proof of their respective claims and to answer the allegations of the Complaint, and that if it shall appear that the Petitioner is not liable for any such injury or damages it may be so finally decreed by this Court; and;

WHEREAS, this Court has theretofore duly issued a Notice of Petition for Exoneration to all persons claiming damages for any and all losses, damages, injuries or destruction arising out of, occasioned or occurring from the incident in question alleged to have occurred on or about September 11, 2005 citing and requiring all persons appear before the Court and file their respective claims against Petitioner(s), and to serve copies thereof on the attorneys for the Petitioner(s), and to answer the allegations of the Complaint herein on or before March 30, 2006; and "Notice of Complaint for Exoneration From or Limitation of Liability," "Complaint for Exoneration From or Limitation of Liability," and Monition having been duly given and provided to all persons known to the Petitioner(s) to have made any claim against the vessel or the Petitioner(s) arising out of the accident in question; and Notice of Complaint for Exoneration From or Limitation of Liability having been duly published as required by the rules, practices and Order of this Court, as appears by the Certificates of Service of Publication filed with this Court; and copies of "Notice of Complaint for Exoneration From or Limitation of Liability," "Complaint for Exoneration From or Limitation of Liability" and Order having been duly mailed in accordance with the rules and practices of this Court to all known and possible claimants;

And it appearing by the stipulation of the parties that agreements of settlement have been negotiated herein, whereby all claims brought in this action against VIA SALES, a corporation, and TROUP as owners, respectively, of the WELL CRAFT CRUISER, for any loss, destruction, damage or injury whatsoever arising from the occurrence in or near Lake St. Clair, Michigan, on or about September 11, 2005 having been settled and released.

Now, on the Motion of Petitioners and Foster, Meadows & Ballard, P.C., attorneys for Petitioner, and pursuant to the parties' stipulation it is ORDERED, ADJUDGED AND DECREED that:

- a. Any and all claimants who did not timely and properly file claims and/or answers on or before March 30, 2006, in compliance with this Court's Notice of Petition for Exoneration, and mail a copy of the same to Petitioner's attorney, are jointly and individually hereby forever defaulted, barred, enjoined and restrained from any recovery from VIA SALES & LEASING, INC., a corporation, and/or J. MURRAY TROUP as owner(s) of a 43' Well Craft Cruiser, Serial No. WELHOOH 1288, Registration No. 55E22159, for any claim whatsoever arising from the occurrence in or near Lake St. Clair, Michigan, on September 11, 2005, and may not proceed with any claim in the instant suit for Exoneration From or Limitation of Liability;
- b. Any and all persons or entities who have not timely and properly filed a claim with this Court on or prior to March 30, 2006, and mailed a copy of the same to Petitioner's attorney, are forever defaulted, barred, enjoined and restrained from instituting or prosecuting, in any court or other forum, any lawsuit, proceeding, action or claim against VIA SALES & LEASING, INC., a corporation, and/or J. MURRAY TROUP as owner(s) of a 43' Well Craft Cruiser, Serial No. WELHOOH 1288, Registration No. 55E22159, for any claim whatsoever arising from the occurrence in or near Lake St. Clair, Michigan, on or about September 11, 2005;
- c. All claims against VIA SALES & LEASING, INC., corporation, and/or J. MURRAY TROUP as owner(s) of a 43' Well Craft Cruiser, Serial No. WELHOOH 1288, Registration No. 55E22159, which have been instituted in this lawsuit, having been settled by the parties, are dismissed with prejudice;
- d. All claims brought by VIA SALES & LEASING, Inc., a corporation, and J. MURRAY TROUP, as owners of a 43' Well Craft Cruiser, Serial No. WELHOOH 1288, Registration No. 55E22159, against other parties in this lawsuit, having been settled by the parties, are dismissed with prejudice and without costs to any party.

SO ORDERED.

Date: August 9, 2007

s/John Corbett O'Meara
United States District Judge